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ABSTRACT

State legislatures have become increasingly willing to experiment with school choice. Since 1985, more than half the states have passed school choice laws. This article reports on a survey conducted in the summer of 1991 and updated in the fall of that year that focuses on state choice statutes. Six categories of school choice laws are discussed: (1) interdistrict transfer laws; (2) intradistrict transfer laws; (3) postsecondary enrollment option laws; (4) residential and special high schools for academically talented students; (5) educational clinics for high school dropouts; and (6) laws allowing private schools or special contractors to provide education to general school populations. A sidebar lists the states with programs in each category. Restrictions contained in the language of the laws reflect the pressures that legislatures are under when considering any school choice legislation: fiscal constraints; the desires of educational constituencies; and existing laws and court decisions that are the product of a national commitment to racially integrated schools. However, the school choice movement has been aided by the fact that state governments now pay a large share of the cost of public education, with many states providing for state aid to follow the student from the sending district to the receiving district. A second development that has aided the school choice movement is a growing consensus among state lawmakers that school choice can be an effective strategy for improving schools. (11 references) (MLF)

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# School Choice Legislation: A Survey of the States

*by Richard Fossey*

For a variety of reasons, policymakers are exploring school choice in the hopes that allowing families to choose their children's schools will help produce better educational programs. Since 1985, when Minnesota passed a law permitting high school students to enroll in college courses for high school credit, state legislatures have been increasingly willing to experiment with school choice. More than half the states have passed school choice laws of one kind or another, making this one of the most popular school reform strategies in the state legislatures.

This article reports on a survey of school choice laws.[1] It focuses only on state choice statutes, not on locally initiated programs or state efforts to encourage choice indirectly through the provision of planning funds or support for restructuring. The survey was conducted in the summer of 1991 and the information was updated in the fall of that year. However, the high level of state education policymaking seen during the 1980s continues. States are looking at ways to improve education in a time of increasing challenges and limited resources. Choice continues to be a rallying point. Therefore, the information in this article can only present a snapshot of the status of choice legislation across the country at a fixed point in time.

The paper focusses on six categories of school choice laws:

1. interdistrict transfer laws, allowing students to attend public schools *outside* their residential district;

2. intradistrict transfer laws, allowing students to choose schools or programs *within* their residential district;

3. post-secondary enrollment option laws, permitting secondary school students to take college or university courses, sometimes for high school credit;

4. residential and special high schools for academically talented students;

5. educational clinics for high school dropouts; and

6. laws allowing private schools or special contractors to provide education to general school populations.

The sidebar on page 3 lists the states with programs in each category.

With few exceptions, the school choice laws that have been passed by state legislatures are modest experiments. Legislatures have been cautious about introducing a concept that has the potential for radically altering the way local communities provide for public education. Many of the school choice statutes described in this paper contain significant restrictions, which in some instances are so severe that they substantially reduce the ability of parents and students to avail themselves of the school choices that the legislatures have authorized.

In most instances there are practical reasons for the constraints which legislatures placed in the language of school choice laws. These reasons include fiscal considerations, and the unwillingness or inability to pay for unrestricted school choice. In addition, legislatures sometimes shape school choice laws to reduce their impact on important constituencies, such as school teachers and their unions. Finally, legislators often draft school choice legislation to avoid conflicts with existing law. For example, many school choice laws specifically state that court-imposed desegregation plans take precedence over school choice.

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## *Interdistrict Transfer Laws*

Interdistrict enrollment option programs are school choice plans designed to allow students to attend schools outside the districts in which they reside. By the summer of 1991, 13 states had passed laws for the specific purpose of allowing public school students to attend schools outside their residential school districts: Arkansas, California, Colorado, Idaho, Iowa, Massachusetts, Minnesota, Missouri, Nebraska, Ohio, Oregon, Utah, and Washington.[2]

In 1987, Minnesota became the first state to adopt an interdistrict enrollment option law. Minnesota's law became the model for several states. In its present form, the law requires all school districts to permit their students to transfer to other districts. State aid follows the student to the nonresident school district, but the resident district is not required to transfer any local school revenues to the receiving district.

Under Minnesota's enrollment option program, a student's right to choose a school is not unlimited. First, the receiving district must agree to the transfer. Second, the receiving district must have room for the student. Third, a transfer must not interfere with a school district's desegregation order. Fourth, Minnesota students who attend schools outside their resident districts are responsible for their own transportation to the nonresident school district's border. (Low-income students may be reimbursed by the nonresident school district for the cost of transportation from the student's home to the border of the nonresident district.)

Most state legislatures took a cautious approach to interdistrict school choice. In California, for example, an elementary student may attend school in a district where a parent works, as well as the district where the parent resides. However, the nonresident district is not required to accept nonresident students whose parents work within school district boundaries. Furthermore, the law was introduced on a trial basis and expires in 1995, unless extended by the legislature. Colorado's interdistrict transfer law authorized a pilot project open to only three districts. In Missouri, interdistrict choice will only be available in districts which have chosen to participate. Oregon's school choice program, which will be open to public school students who do not perform well academically in their home districts, will not be implemented until the 1994-1995 school year.

Arkansas and Iowa include a disincentive for student athletes to participate in school choice. To prevent enrollment option laws from being used by school districts to recruit outstanding high school athletes, these states prohibit a student from participating in varsity sports for a period of one year after changing districts. Utah's interdistrict enrollment option law directs the state board of education and the Utah High School Activities Association to establish policies for penalizing school officials who attempt to use the law to recruit student athletes.

No two states have passed identical interdistrict school choice laws, but all 13 states have been confronted with three basic policy issues when designing their individual statutes:

- Who should pay the additional transportation costs associated with interdistrict choice?
- How can a school choice program be implemented to minimize the possibility that interdistrict choice will interfere with efforts to racially integrate the schools? This problem is usually expressed as the fear that affluent white children will transfer from urban to predominantly white suburban schools, leaving the urban schools, with large minority student populations, more racially isolated.
- Who will bear the cost of educating a student who transfers to another district?

With regard to the first issue, none of the 13 states have assumed the responsibility for paying the full cost of increased transportation associated with interdistrict school choice. For example, in Idaho and Iowa, the parents are responsible for transporting their children to a bus stop within the boundaries of the receiving district. In Utah, the parent or guardian of a nonresident student is responsible for arranging transportation to or from school. Arkansas law specifies that a transferring pupil is responsible for transportation, but permits either the resident or nonresident school district to transport the student and count the student for purposes of receiving state transportation funding. No state makes provision for paying the transportation costs of students who are travelling from residential districts that are not contiguous with the receiving school districts.[3]

Concerning the possibility that

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interdistrict choice will lead to racially isolated schools, the states are virtually unanimous in their response. All state laws that address the topic specify that in case of a conflict, court-ordered desegregation plans take precedence over the rights of individual students to choose a school. Some laws state that the transfers of those students who would contribute to racially balanced schools will be given preference over other transfer requests.

With regard to the third issue, apportioning the costs of interdistrict choice, the states have taken two approaches. Some require the sending district to contribute local revenue to help pay the cost of educating a student outside the district; others do not. Utah is an example of the first approach. In Utah, the receiving district counts the student for purposes of receiving state aid. In addition, for each student who transfers, the sending district is required to pay the receiving district one-half of the sending district's per pupil expenditure that is above the value of the state aid which the receiving district receives per pupil.[4] Arkansas and Minnesota are examples of the second approach. In those states, a receiving district is allowed to count nonresident students for purposes of receiving state aid, but the sending district is not obligated to contribute local revenues to the district that accepts its students.

Unless the funding formula is carefully determined, requiring a resident district to pay for each student who enrolls in another district can be unfair. No state requires a school district to accept nonresident students unless the district has the capacity, utilizing its present resources, to receive them. That being the case, the marginal cost of adding one or more students to an existing program is relatively small, far

## Six Categories of Choice Legislation in the States

### *Inter*district Enrollment Option Laws

Arkansas
California (elementary schools)
Colorado (pilot program)
Idaho
Iowa
Massachusetts
Minnesota
Missouri
Nebraska
Ohio
Oregon
Utah
Washington

### *Intra*district Enrollment Option Laws

Alabama
Colorado
Illinois (Chicago)
Missouri
Ohio
Utah
Washington

### Post-secondary Enrollment Option Laws

Arizona
Arkansas
California
Colorado
Connecticut
Florida
Georgia
Indiana
Iowa
Kansas (honors scholarship program)
Maine
Minnesota
Missouri
Nevada
New Jersey
New Mexico
Ohio
Oklahoma
Oregon
South Dakota
Tennessee
Texas (authorized a study)
Virginia
Washington
West Virginia

### Alternatives to Public Schools

Wisconsin (Milwaukee Parental Choice)
Minnesota (Charter Schools)

### Residential and Special High Schools

Alabama
Alaska
Colorado
Illinois
Louisiana
Mississippi
North Carolina
Oklahoma
Rhode Island (nonresidential)
South Carolina

### Programs for Dropouts and Students At-Risk

#### Educational Clinics

California
Colorado
Washington

#### Alternative Programs

California (New Chance)
Colorado (Second Chance)
Florida (Dropout Prevention Act)
Illinois
Minnesota (graduation incentive program)
Maine
Missouri (support services)
Oregon
South Dakota (Second Chance)

less than the district's average per pupil cost. Thus, a district that is paid the average cost of educating a student for every nonresident student it accepts receives a windfall. At the same time, the sending district saves relatively little when students transfer to another district; in most cases the loss of a few students usually does not allow the district to reduce staff or close facilities. If the sending district is forced to pay the average cost of educating a student each time a student transfers to another district, the lost revenues will be much greater than the savings it will realize.

This problem is dramatically illustrated in Massachusetts, which passed an interdistrict school choice law in March 1991. Under the new law, any district that enrolls nonresident students is paid the average cost for the student's type of education (regular, special, vocational or bilingual) by the state (Raynolds 1991). The state in turn, deducts this amount from the sending community's state aid. The average cost of educating regular education students in most Massachusetts districts is between $5,000 and $7,000, but the state aid per pupil is much less. Boston, for example, receives about $1,200 per pupil in state aid. For every five Boston students who transfer to a suburban school, Boston will lose from $25,000 to $35,000 in state aid, almost the cost of one teacher's salary. (Chase 1991).

In the fall of 1991, 821 Massachusetts students enrolled in nonresidential school districts under the state's new school choice law, less than one-tenth of one percent of the state's total school population. However, 29 percent of the participants transferred from three school districts, threatening those districts with substantial losses in state aid. For example, 113 students transferred from the Brockton Public Schools to the Avon Public Schools, representing a transfer of $933,563 in state aid from Brockton to Avon.

The fiscal impact of the Massachusetts school choice program was so severe on some school districts that the Massachusetts Legislature passed a supplemental appropriation of $2.7 million to reimburse school districts for 50 percent of the state aid money lost as a result of student transfers under the new law. School districts that lost more than two percent of their state aid funds due to school choice were reimbursed for 75 percent of their losses. This appropriation bill will blunt the financial effect of the school choice law for the 1991-1992 school year, but it did not change the funding formula contained in the original school choice legislation (Massachusetts Executive Office of Education 1991). Unless the legislature amends the law, Massachusetts school districts that lose a significant number of students during the next school year will again be faced with substantial losses in state aid.

Many Massachusetts school districts are facing budget cutbacks due to a decline in state and local tax revenues. In its present form, the state's school choice law gives school districts a strong incentive to accept nonresident students at tuition rates that exceed their marginal costs. Some Massachusetts educators believe that the law will benefit wealthy suburban school districts with high per-pupil expenditures. They are expected to attract students from less affluent districts that have relatively low per-pupil expenditures. If that occurs, state aid will shift disproportionately to the school districts that need it least, at the expense of the poorer systems.

## *Intradistrict Transfer Laws*

Intradistrict enrollment option statutes are laws intended to give parents and students more options to choose a school or program within the boundaries of the student's home school district.[5] Six states have passed intradistrict school choice laws: Alabama, Colorado, Missouri, Ohio, Utah, and Washington. Illinois passed legislation authorizing intradistrict school choice for the city of Chicago.

None of the intradistrict transfer laws create radical changes in the way individual students are assigned to schools. In Colorado, Illinois, Missouri, and Ohio, intradistrict transfer requests may be denied if a school lacks the capacity to accept more students. Alabama and Utah school districts are free to opt out of the state's intradistrict school choice law; Washington school districts may adopt whatever procedures they choose for implementing intradistrict school choice.

States have taken different approaches concerning student transportation for intradistrict school choice. In Utah, a school district can not get additional state transportation funds if intradistrict choice increases the distances students must travel to school. Alabama, Colorado and Washington laws are silent concerning the transportation costs associated with intradistrict choice. Missouri school districts can receive state aid for transporting students to schools outside their attendance areas if the students travel on state-approved routes. In Ohio, school districts are not required to provide transportation for non-handicapped students participating in intradistrict choice unless the students can be picked up or dropped off at a regular school bus stop.

So far, *inter*district school choice laws have been more popular with state legislatures than laws allowing students to change schools within school districts. There are at least two reasons why this is so. First, most local school systems are free to give students a choice of schools within district boundaries, through magnet schools or controlled choice procedures. Legislators may see little need to pass laws encouraging intradistrict school choice. Second, in most states, there are large differences in the resources and performance of school districts. Wealthy districts may have a large portions of the state's lighthouse schools. Therefore, state lawmakers may perceive a pressing need to give students' more access to these districts, rather than more choices *within* poorly performing districts.

## *Post-secondary Enrollment Options for High School Students*

Twenty-four states have passed post-secondary enrollment option laws permitting high school students to take courses at post-secondary institutions: Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Maine, Minnesota, Missouri, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Virginia, Washington, and West Virginia.[6] The California and Texas legislatures have authorized studies on the feasibility of post-secondary enrollment option legislation. (Presumably, the California study is intended to address the feasibility of a more comprehensive post-secondary enrollment law than the current legislation.)

State laws permitting high school students to take college courses have been in place since at least the 1970s, but Minnesota's Post-secondary Enrollment Option Act, passed in 1985, was the first legislation to permit high school students to enroll in post-secondary courses without cost. The state reimburses colleges for the cost of tuition and books according to a statutory formula and deducts the amount from the sending school district's state aid. Minnesota students can take courses for both high school and college credit from public or private colleges. Courses taken for college credit are paid for by the students; courses taken for high school credit are publicly funded.

For the most part, post-secondary enrollment option laws have been designed to supplement, not replace the high school curriculum. Some states place a limit on the number of college courses a high school student may take. In two states, post-secondary enrollment option laws seem to have been drafted to alleviate teachers' concerns about the possible loss of teaching jobs. Under Nevada law, local school boards may permit college courses to be substituted for high school courses only with the state board of education's permission. The state board may not approve a post-secondary course unless it is taught by a person with a teacher's license or some equivalent qualification. Similarly, West Virginia law permits high school students to take advanced placement courses at post-secondary institutions, but stipulates that to "the maximum extent possible, honors and advanced placement courses shall be taught by a regular classroom teacher."

State laws vary widely in the amount of encouragement they give to high school students wishing to take college courses. Some states, including Colorado and Florida, allow high school students to take college courses without paying tuition. Other states make no provision for reimbursing high school students for college tuition costs. In Tennessee, post-secondary courses are only open to "academically talented/gifted" high school students, with college courses listed on their Individual Educational Placement (IEP) plans. In addition, Tennessee students may not take college courses unless they have a grade point average of at least 3.2 on a 4.0 scale. On the other hand, Maine's post-secondary enrollment option law specifically states that participation may not be limited to academically gifted or talented students.

Lack of student transportation may limit the amount of participation in post-secondary enrollment option programs. Although Minnesota law authorizes low-income students to be compensated for transportation costs associated with taking post-secondary courses, no state authorizes all high school students to be reimbursed for these costs.

## *Residential High School Programs & Programs for Gifted and Talented*

During the 1980s, 11 states passed laws authorizing the establishment of special high schools or academies: Alabama, Alaska, Colorado, Georgia, Illinois, Louisiana, Mississippi, North Carolina, Oklahoma, Rhode Island, and South Carolina.[7] Most of these schools were established to provide advanced instruction to academically gifted students in a residential setting.[8] Many of these special schools focused on science and mathematics. For example, Alabama's institution was named the Alabama High School for Science and Mathematics, and the Illinois residential school was given the title of Illinois Mathematics and Science Academy.

The establishment of residential high schools poses special financial problems. Since residential high schools operate without a local tax base to provide operating funds, states must either fund them entirely with state revenues or find some additional source of income. Some states have dealt with this problem by permitting residential high schools to charge tuition to supplement state aid. Other states allow the special schools to accept private contributions. These strategies may help make residential high schools viable, but, regardless of how they are funded, it seems unlikely that residential high schools and academies will provide school choice options for more than a small fraction of a state's school population.

## *Educational Clinics for Dropouts*

In recent years, states have adopted a wide variety of programs to encourage dropouts to finish their secondary education or to help at-risk students to stay in school. Three states have authorized the establishment of educational clinics for dropouts: California, Colorado, and Washington.[9]

Educational clinic programs are designed to provide school dropouts with instruction in basic academic skills, employment orientation, or school reentry orientation. In all three states which have passed laws authorizing educational clinics, public or private organizations are authorized to provide these services on a fee basis. Washington was the first state to experiment with educational clinics, where proponents argued that private firms, operating in an entrepreneurial spirit, could obtain better results with school dropouts than could the schools. A bill authorizing the creation of educational clinics was passed in 1977, over the opposition of established educational interests, including the state superintendent of public instruction (Elmore 1990).

Educational clinics offer school dropouts an alternative to the traditional school program, but the form of that alternative has been shaped to accommodate established education constituencies. For example, in all three states, the law requires that the instructors who staff the clinics be certificated teachers. So far, educational clinics have not become a major factor in the way public education responds to the problem of high school dropout rates. In Washington, where dropout clinics have operated the longest, "they enroll a small fraction of the eligible population and they account for an even smaller fraction of total education expenditures in the state" (Elmore 1990).

## *Private Schools or Special Contractors Providing Education to General School Populations*

Minnesota and Wisconsin recently passed school choice laws that do not fit within the previous five categories. In 1990, Wisconsin passed the Milwaukee Parental Choice Program, giving a small number of low-income families the option of sending their children to private, non-sectarian schools. In 1991, the Minnesota legislature introduced its most recent experiment with school choice, when it passed legislation authorizing school boards to sponsor "charter schools," schools which would be staffed by licensed teachers but which would operate free of most state regulations. The Minnesota law offers no money for start-up costs, but pays the school for each pupil enrolled.

These two statutes are quite limited in scope. The Minnesota charter schools legislation is a pilot program, confined to eight schools.[10] The Milwaukee Parental Choice Program is only open to Milwaukee students who come from families that have total income not exceeding 1.75 times the federally defined poverty level. Under the Wisconsin law, no more than one percent of Milwaukee public school students may participate in the program.[11] At the beginning of the 1991-1992 school year, 534 students were enrolled in privates schools under the Milwaukee program.[12]

In spite of the fact that these two programs are quite modest experiments with school choice, both were vigorously opposed by state teachers' unions. The Wisconsin Education Association, joined by a school administrators' group and the NAACP, challenged the constitutionality of the Milwaukee Parental Choice Program in court (*Davis v. Grover* 1990). In Minnesota, opposition from the Minnesota Federation of Teachers helped restrict the Minnesota charter school law to a pilot program with only certificated teachers eligible to organize charter schools (Center For Policy Studies 1991, p. 4).

## *Conclusion*

Since the mid-1980s, school choice laws have been popular items on the school reform agenda of many state legislatures. By the time of this writing, more than 20 states had enacted laws allowing secondary school students to take college courses; 13 states had passed laws permitting students to enroll in schools outside their residential school districts; and 7 states had passed laws encouraging school districts to permit students to attend schools outside the boundaries of students' local

attendance areas. Eleven states had authorized the creation of residential high schools or special high schools for academically talented students. Several states had passed laws to create more school options for school dropouts or students at risk of dropping out, including three states that had enacted laws authorizing the creation of educational clinics for school dropouts.

Although numerous school choice laws have been enacted, the status of the school choice movement cannot be gauged by simply listing the school choice laws. In most instances, the ability of parents and students to choose schools under these laws is severely limited by restrictions contained in the language of the law themselves. These restrictions reflect the constraints that legislatures are under when considering any school choice legislation.

First and foremost are fiscal constraints. Although most school choice programs cost money, state legislatures often acted as though effective school choice could be achieved simply by reallocating existing state education dollars. For example, interdistrict and intradistrict school choice programs require increased student transportation, but transportation costs are rarely addressed in school choice laws. Likewise, of the 24 states permitting high school students to take college courses, most require the students to pay the costs of tuition, books, and fees.

Second, state lawmakers are constrained by the desires of educational constituencies. In most cases, legislatures have not passed laws that seriously threaten the interests of school boards, administrators, and teachers' unions. For example, Minnesota's charter schools program was scaled down considerably in response to opposition from established educational interests.

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An exception is the Massachusetts interdistrict transfer law that gives school districts substantial incentives to enroll nonresident students at the expense of neighboring districts.

Third, when considering school choice legislation, legislatures are constrained by a web of existing laws and court decisions that are the product of a national commitment to racially integrated schools. Many interdistrict transfer laws provide that court-ordered desegregation plans take precedence over school choice. Even if the laws had been silent on the interplay between school choice and desegregation orders, it is doubtful that a school choice law would survive judicial scrutiny if it undermined a court directive to racially integrate a school district. In any event, students attending schools operating under desegregation plans may have fewer opportunities to choose a school than those who do not.

If the school choice movement has been restrained by constraints on state legislatures, it has been assisted by two important developments. First, school choice has been aided by the fact that state governments now pay a large share of the cost of public education. In the past, when schools were financed almost entirely by local tax revenues, school districts generally would not enroll a nonresident student unless the student paid tuition. Without charging tuition, school districts could not afford to educate the children of parents who lived outside district boundaries and contributed nothing in taxes to the cost of school operations.

State governments now contribute, on average, about 50 percent of the cost of public education in each state (National Center for Education Statistics 1990, p. 148). Local governments contribute approximately 44 percent. States can address at least part of the fiscal impact of interdistrict enrollment option laws by paying the state's share of educating a student to the district where the student enrolls. It is not surprising, then, to find that many of the states that have adopted some form of interdistrict enrollment option law provide for state aid to follow the student from the sending district to the receiving district.

A second development that has aided the school choice movement is a growing consensus among state lawmakers that school choice can be an effective strategy for improving schools, even if it is limited to the public sector. By concentrating on school choice schemes that offer students more options within public school systems, legislators have avoided the strong opposition that has arisen against voucher systems or other choice proposals that allow students to attend private schools, and particularly sectarian schools, at public expense.

This is not to say that there is a consensus among lawmakers that school choice should be limited to the public schools. A few school choice laws authorize students to enroll in private institutions. For example, the Minnesota Postsecondary Enrollment Option program allows Minnesota high school students to take courses at private as well as public colleges and universities, and the state of Washington permits private educational clinics to serve school dropouts. Nevertheless, for the most part, states have passed school choice laws that have expanded the options of students to choose schools and educational programs within the public sector.

At present, the momentum of the school choice movement is continuing. Legislatures in Massachusetts, Missouri, and Oregon enacted interdistrict enrollment option laws in 1991, and the Minnesota legislature passed its charter school legislation in the summer of 1991. Nevertheless, if future legislation follows the pattern of present law, the rights of parents and students to choose a school will be accompanied by significant restrictions, restrictions that reflect the fiscal, political and legal constraints on state legislatures.

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- To focus research on policies that foster *high levels of learning for all students*, regardless of social or economic background.
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## Notes

1. The information reported here was collected through August 1991. Of course, the rapid pace of education reform means some of the information may have changed by the publication date of this article.

2. This article only examines interdistrict enrollment option laws that were passed since the mid-1980s. Laws permitting students to enroll in schools outside their school district have been in place since at least the beginning of the century, but in general, earlier laws were designed to provide narrow exceptions to the general rule that students are required to attend their local public school. For example, Vermont permits a school district to close an existing high school and pay tuition costs for students to attend private schools or public high schools in other school districts. Although the Vermont law gives school districts the authority to offer high school students a number of school choices, that was not the statute's primary purpose. Rather, the statute was one of a number of state laws designed to provide students in rural communities with more complete school programs. An early version of the Vermont statute existed as early as 1904, long before school choice emerged as a strategy for restructuring schools.

3. Some states provide more transportation assistance to low-income or handicapped students than they do for general transfer students. Under Iowa's open enrollment law, for example, the sending district is responsible for providing transportation for low-income students within the sending district's boundaries. If transportation costs for the student exceed the sending district's average transportation costs per pupil for the previous year, the sending district is only responsible for paying the average per pupil amount. In Nebraska, the sending district is responsible for providing transportation for option students who are handicapped. Nebraska law also provides for reimbursing low-income parents for costs incurred in transporting their children to a nonresidential district.

4. The amount that a sending district must pay the receiving district is nominal. The state of Utah defines a district's per pupil expenditures for purposes of the school choice law in such a way that the maximum amount a sending district must pay a receiving district is less that $500 (interview with H. Robbins, Utah Department of Education, December 4, 1991).

5. Intradistrict enrollment option laws are similar to magnet school programs organized by individual school districts; both allow students to choose the school they will attend within a district, without regard to the boundaries of an attendance area. However, the concepts are not identical. Magnet school programs frequently allow individual schools to develop theme-based curricula (Cooper 1987, pp. 3-4). They are often organized to encourage desegregation, and thus attendance is usually restricted to select populations that help achieve racial balance. Although some states have passed laws encouraging intradistrict school choice laws that were passed in Alabama, Colorado, Illinois, Missouri, Ohio, Utah, and Washington were not designed to promote racially balanced schools.

6. This list includes any state which has enacted a statute, no matter how cursory, allowing secondary school students to enroll in college or university courses. For example, California law directs school boards to adopt alternative means for students to complete their high school graduation requirements, and specifies that an acceptable alternative program can include taking courses at a post-secondary institution. However, a California school district is not required to include college courses as part of its alternative high school graduation requirements. Kansas has instituted an honors scholarship program to pay tuition costs of high school students who are admitted to special honors programs for college credit at post-secondary institutions.

7. This number includes Rhode Island, which passed legislation in 1987 creating the Rhode Island Academy for Gifted and Talented Children. The Rhode Island Academy was not intended to be a residential school. Rather, the term "academy" was used to describe various programs for gifted and talented students that would be developed by local school districts in cooperation with the state department of education.

This survey only lists the number of states that have authorized residential or special high schools, not the number of such schools actually in operation. It is possible that some states never established residential high schools, even though legislation was passed authorizing them to do so.

8. An exception in Alaska's Mount Edgecumbe High School, a residential high school open to all students in the state.

9. In addition, at least seven states have passed legislation authorizing special programs for dropouts, teenage parents or other students who risk failing to obtain a high school diploma. Although a discussion of each state's individual program is beyond the scope of this survey, a list of the states and programs is included in the sidebar on page 3.

10. The first charter school was approved in December 1991 and may open in the fall of 1992. The state board was scheduled to rule on another charter school in January 1992. In 1992, lawmakers in California, Florida, Massachusetts, Michigan, and Tennessee are examining similar proposals (Olson, Lynn. "'Supply Side' Reform or Voucher? Charter-School Concept Takes Hold," *Education Week*, 15 January 1992).

11. The Commission on Schools for the 21st Century, a state nonpartisan commission, has recommended the Milwaukee Parental Choice Program be expanded to three pilot programs (Underwood 1991, p.238).

12. Interview with B. Statz, Wisconsin Department of Public Instruction, 30 January 1992.

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